

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TIMOTHY LAWRENCE PRINCE,

Petitioner,

v.

STATE OF WASHINGTON AND  
KITSAP COUNTY,

Respondent.

Case No. C05-5493FDB

REPORT AND  
RECOMMENDATION

**NOTED FOR:  
April 28<sup>th</sup>, 2006**

This habeas corpus action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR 4. Petitioner in this action is seeking federal habeas corpus relief pursuant to 28 U.S.C. § 2254.

DISCUSSION

Respondent Kitsap County has filed a motion to dismiss in lieu of an answer. (Dkt. # 13). The only issue raised in the petition is that the jail did not properly certify the amount of good time credits petitioner believes he was entitled to receive. (Dkt. # 5). The respondent contends petitioner has been released from custody and as he does not challenge the validity of the underlying conviction there is no relief available and the petition is moot. (Dkt. # 13). The motion was originally served on the address in the community where petitioner is allegedly living. (Dkt. # 11). Petitioner did not respond and the court ordered respondent to reserve the motion on the address on file for petitioner.

1 (Dkt. # 12). The respondent has complied and the mail was returned as undeliverable. (Dkt. # 14).

2 Petitioner has not kept the court apprized of a current address and appears to have been  
3 released from custody. Respondents position is correct. Because petitioner is not challenging the  
4 validity of his conviction and only challenged the amount of good time he was entitled to this petition  
5 is moot. Accordingly the petition should be dismissed with prejudice.

6 CONCLUSION

7 This petition is moot. Petitioner has not kept the court apprized of a current address and has  
8 been released. Accordingly the undersigned recommends this petition be dismissed with prejudice as  
9 moot. A proposed order accompanies this report and recommendation.

10 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal rules of Civil Procedure, the  
11 parties shall have ten (10) days from service of this Report to file written objections. *See also* Fed.  
12 R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of  
13 appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule  
14 72(b), the clerk is directed to set the matter for consideration on **April 28<sup>th</sup>, 2006**, as noted in the  
15 caption.

16 DATED this 3<sup>rd</sup> day of April, 2006.

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21 Karen L. Strombom  
22 United States Magistrate Judge  
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